

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

	x	REDACTED VERSION
CHEVRON CORPORATION,	:	
	:	
Plaintiff,	:	
	:	
v.	:	11 Civ. 0691 (LAK)
STEVEN DONZIGER, et al.,	:	
	:	
Defendants.	x	
	:	

**DECLARATION OF ANNE CHAMPION IN SUPPORT OF CHEVRON
CORPORATION'S MOTION TO HOLD STEVEN DONZIGER IN CONTEMPT OF
COURT FOR HIS FAILURE TO COMPLY WITH THE RICO AND DEFAULT
JUDGMENTS AND THE APRIL 16, 2018 RESTRAINING NOTICE**

I, ANNE CHAMPION, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. I am an attorney licensed to practice law in the State of New York and before this Court. I am a partner in the law firm of Gibson, Dunn & Crutcher LLP, and I am counsel for Chevron Corporation (“Chevron”) in the above-captioned matter. I am personally familiar with the facts set forth herein, unless the context indicates otherwise.
2. Chevron has not received from Steven Donziger any transfer or assignment of proceeds traceable to the Ecuadorian judgment. Nor has Chevron received any part of the \$813,602.71 owed to it pursuant to the supplemental judgment entered against Steven Donziger, The Law Offices of Steven R. Donziger, Donziger & Associates, PLLC, and others on February 28, 2018.
3. Attached to this declaration as **Exhibit 1** is a true and correct copy of a document titled “Chevron’s RICO Fraud: An Abuse of Indigenous Peoples, the Environment, and U.S.

Courts," retrieved from the website <http://stevendonziger.com/wp-content/uploads/2017/05/KaplanRebuttal.pdf> on September 26, 2018.

4. Attached to this declaration as **Exhibit 2** are excerpts from a true and correct copy of the transcript of the deposition of Steven Donziger on June 25, 2018.

5. Attached to this declaration as **Exhibit 3** are excerpts from a true and correct copy of the transcript of the contempt hearing held in this matter on June 28, 2018.

6. Attached to this declaration as **Exhibit 4 (filed under seal pursuant to Dkt. 723)** is a true and correct copy of a document titled [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

7. Attached to this declaration as **Exhibit 5 (filed under seal pursuant to Dkt. 723)** is a true and correct copy of a document [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

8. Attached to this declaration as **Exhibit 6 (filed under seal pursuant to Dkt. 723)** is a true and correct copy of a document [REDACTED]

9. Attached to this declaration as **Exhibit 7 (filed under seal pursuant to Dkt. 723)**
is a true and correct copy of a document titled [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

10. Attached to this declaration as **Exhibit 8 (filed under seal pursuant to Dkt. 723)**
is a true and correct copy of a document titled [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

11. Attached to this declaration as **Exhibit 9 (filed under seal pursuant to Dkt. 723)**
is a true and correct copy of a [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

12. Attached to this declaration as **Exhibit 10** (filed under seal pursuant to Dkt. 723)

is a true and correct copy of a document titled [REDACTED]

13. Attached to this declaration as **Exhibit 11** (filed under seal pursuant to Dkt. 723)

is a true and correct copy of a [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

14. Attached to this declaration as **Exhibit 12** is a true and correct copy of an email chain dated October 22, 2016, forwarding a July 10, 2016 email chain among Steven Donziger, Bill Twist, and John van Merkenstijn, produced by J. van Merkenstijn and bearing Bates

numbers JVM 002161–68. In a July 10, 2016 email, Steven Donziger explains to Twist, “Shares are a percentage of the total claim owed which is now a little over \$11b with statutory interest in Canada. Expenses come off the top upon recovery The larger point is that absent an some unforeseen event, there will be plenty of funds to pay investors should there be a recovery.”

15. Attached to this declaration as **Exhibit 13 (filed under seal pursuant to Dkt. 723)** is a true and correct copy of a [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

16. Attached to this declaration as **Exhibit 14 (filed under seal pursuant to Dkt. 723)** is a true and correct copy of a [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

17. Attached to this declaration as **Exhibit 15 (filed under seal pursuant to Dkt. 723)** is a true and correct copy of an [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

18. Attached to this declaration as **Exhibit 16 (filed under seal pursuant to Dkt. 723)** is a true and correct copy of a document [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

19. Attached to this declaration as **Exhibit 17** is a true and correct copy of an email dated December 17, 2016 from Steven Donziger to John van Merkenstijn, produced by J. van Merkenstijn and bearing Bates number JVM 003276, in which Donziger asks van Merkenstijn to send an instruction to Lenczner asking that Lenczner “allocate \$65,000 of the \$95,000 from ENTITY to the law firm of Steven Donziger for expenses related to work on the Ecuador environmental case against Chevron.”

20. Attached to this declaration as **Exhibit 18** is a true and correct copy of an email dated September 9, 2016 from Steven Donziger to John van Merkenstijn, produced by J. van Merkenstijn and bearing Bates numbers JVM 003447, in which Donziger asks van Merkenstijn to “send an instruction to Alan Lenczner, via email, that 50% of the investor funds under the Agreement received by his law firm are to be forwarded [to] Steven R. Donziger for expenses related to the Ecuador litigation Alan has indicated he needs said instructions directly from you or your representative.”

21. Attached to this declaration as **Exhibit 19 (filed under seal pursuant to Dkt. 723)** are excerpts from a true and correct copy of the transcript of the deposition of Mary M. K. Sullivan on June 21, 2018.

22. Attached to this declaration as **Exhibit 20** is a true and correct copy of a document titled “AGREEMENT TO DISPUTE A CASE AGAINST CHEVRON TEXACO, NOW CHEVRON, IN ECUADOR,” dated January 2, 2006, produced by S. Donziger and bearing Bates number DONZ00022907. This Agreement is signed by Steven Donziger, Joseph Kohn, a representative of the FDA, and representatives of several Ecuadorian indigenous nations.

23. Attached to this declaration as **Exhibit 21** is a true and correct copy of trial exhibit PX 558, a retainer agreement dated January 5, 2011 among the LAPs, the FDA, the Asamblea de Afectados por Texaco (ADAT), and Donziger & Associates, PLLC.

24. Attached to this declaration as **Exhibit 22** is a true and correct copy of trial exhibit PX 556, a draft Master Agreement dated December 10, 2010 among the LAPs, the FDA, the ADAT, Donziger & Associates, PLLC, and other lawyers and law firms.

25. Attached to this declaration as **Exhibit 23** is a true and correct copy of a document produced by S. Donziger and Bates stamped DONZPJD-0000019-27 and a certified translation thereof, titled “DURABLE INTERNATIONAL POWER OF ATTORNEY and AGREEMENT FOR THE CONTINUOUS INVESTMENT OF PROFESSIONAL SERVICES,” dated November 1, 2017, between Steven Donziger and the Amazon Defense Front (FDA). Under the agreement, the FDA “irrevocably acknowledges, confirms and undertakes to support Mr. DONZIGER’S existing contractual INTEREST . . . and/or hereby grants Mr. DONZIGER an INTEREST in his own right equal to his existing contractual interest.”

26. Attached to this declaration as **Exhibit 24** is a true and correct copy of excerpts from the transcript of the deposition of Josh Rizack on June 27, 2018.

27. Attached to this declaration as **Exhibit 25 (filed under seal pursuant to Dkt. 723)** is a true and correct copy of a [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

28. Attached to this declaration as **Exhibit 26** are excerpts from a true and correct copy of excerpts from the transcript of the contempt hearing held on May 8, 2018 in this matter.

29. Attached to this declaration as **Exhibit 27** are excerpts from a true and correct copy of excerpts from the trial transcript for November 18, 2013 in this matter.

30. Attached to this declaration as **Exhibit 28** is a true and correct copy of Exhibit 5315 to Steven Donziger's deposition, an undated letter from Pablo Fajardo to Carlos Guaman. Fajardo writes, "On January 19, 2016, Mr. Luiz Yanza and Mr. Steven Donziger signed a contract for the management of financial resources on behalf of the FDA and the plaintiffs. This is extremely serious, since neither of these two persons represents the plaintiffs."

31. Attached to this declaration as **Exhibit 29 (filed under seal pursuant to Dkt. 723)** is a true and correct copy of an [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

32. Attached to this declaration as **Exhibit 30** is a true and correct copy of Exhibit 5316 to Steven Donziger's deposition, a document dated August 20, 2106, titled DECLARATION OF THE AFFECTED NATIONALITIES IN THE PROVINCE OF SUCUMBIOS, and a certified translation thereof. In the declaration, representatives of the "affected nationalities" in Ecuador declare Luis Yanza and Steven Donziger "personae non gratae" and demand a "detailed report accounting for all of the money they have managed on behalf of the people affected or the people in the case that our people have against Chevron."

33. Attached to this declaration as **Exhibit 31 (filed under seal pursuant to Dkt. 723)** is a true and correct copy of a document [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

34. Attached to this declaration as **Exhibit 32** is a true and correct copy of the Lago Agrio Plaintiffs' Brief on Proceeding in Forma Pauperis, filed on April 6, 2015 in Brazil, and a certified translation thereof. In the brief, the LAPs represent that they should not be required to pay court costs because "it is sufficient for the person not to be able to pay court costs without harm to his subsistence or his family's, which is clearly the case here," that it is "undeniable" that the LAPs "themselves do not have the means to pay all the procedural costs," and their counsel "have not received any compensation for their work on the case." ¶¶ 22, 26, 28

35. Attached to this declaration as **Exhibit 33** is a true and correct copy of the Lago Agrio Plaintiffs' Complaint, filed on November 21, 2012 in Argentina, and a certified translation thereof.

36. Attached to this declaration as **Exhibit 34 (filed under seal pursuant to Dkt. 723)** is a true and correct copy of a timeline summarizing Representations to Canadian Courts and Payments To/From Canadian Counsel.

37. Attached to this declaration as **Exhibit 35** is a true and correct copy of a document titled "Factum of the Applicants on the Motion to Vary," filed October 3, 2017 in the Court of Appeal for Ontario in the Canadian Enforcement Action. In this filing, Alan Lenczner represented that "the actions by Chevron against third party funders and against the applicants' U.S. law firm, resulting in the funders withdrawing financial and other support," had the "effect of discouraging any other third party funder," and that "any funding assistance that the plaintiffs had in place has long since evaporated." ¶¶ 27, 29.

38. Attached to this declaration as **Exhibit 36** is a true and correct copy an email from Steven Donziger to John van Merkenstein dated September 5, 2017, produced by J. van Merkenstein and bearing Bates numbers JVM 002465–66, with an attachment titled “ENFORCEMENT OF ECUADOR JUDGMENT IN CANADA: Profit and Loss Detail May 1, 2016 through February 2, 2017.”

39. Attached to this declaration as **Exhibit 37 (filed under seal pursuant to Dkt. 723)** is a true and correct copy of an [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

40. Attached to this declaration as **Exhibit 38 (filed under seal pursuant to Dkt. 723)** is a true and correct copy of a [REDACTED]

[REDACTED]
[REDACTED]

41. Attached to this declaration as **Exhibit 39** is a true and correct copy of a motion record dated October 10, 2017 that Peter Grant attempted to file with the Court of Appeal for Ontario and served on Chevron’s counsel. The court did not accept the motion record. The motion record includes a sworn affidavit from attorney Patricio Salazar providing tax data for the individual plaintiffs and representing that “all of them have very limited financial resources.”

42. Attached to this declaration as **Exhibit 40 (filed under seal pursuant to Dkt. 723)** is a true and correct copy of a document [REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

43. Attached to this declaration as **Exhibit 41 (filed under seal pursuant to Dkt. 723)** is a true and correct copy of a document [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

44. Attached to this declaration as **Exhibit 42 (filed under seal pursuant to Dkt. 723)** is a true and correct copy of the transcript of the deposition of Mary K. Sullivan on September 28, 2018.

45. Attached to this declaration as **Exhibit 43 (filed under seal pursuant to Dkt. 723)** is a true and correct copy of a document [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

46. Attached to this declaration as **Exhibit 44** is a true and correct copy of a letter signed by Bruce T. Herbert of Investor Voice and Newground Social Investment and Pat Miguel Tomaino of Zevin Asset Management, LLC to Chevron Chairman of the Board and CEO Michael K. Wirth with subject line “Investor Letter on Risks from Ecuador Litigation,” dated April 30,

2018, retrieved from the website <http://www.newground.net/Chevron-Investor-Letter-2018.pdf> on September 26, 2018.

47. Attached to this declaration as **Exhibit 45 (filed under seal pursuant to Dkt. 723)** is a true and correct copy of a document [REDACTED]

[REDACTED]

[REDACTED]

48. Attached to this declaration as **Exhibit 46 (filed under seal pursuant to Dkt. 723)** is a true and correct copy of an [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

49. Attached to this declaration as **Exhibit 47** is a true and correct copy of an article, dated April 25, 2018, titled “Canada’s First Nations join Amazon fight against Chevron,” and available at the website <https://nowtoronto.com/news/first-nations-%C2%ADamazon-chevron/>. The article quotes Phil Fontaine, “Clearly Chevron has caused significant harm to the environment and to the health of the Indigenous peoples in this area and must be held accountable.”

50. Attached to this declaration as **Exhibit 48 (filed under seal pursuant to Dkt. 723)** is a true and correct copy of an [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

51. Attached to this declaration as **Exhibit 49 (filed under seal pursuant to Dkt. 723)** is a true and correct copy of a document [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

52. Attached to this declaration as **Exhibit 50** is a true and correct copy of an article dated May 15, 2014 and titled “Periodista estadounidense se une a la campaña ‘La mano sucia de Chevron’” (“U.S. Journalist Joins ‘The Dirty Hand of Chevron’ Campaign”), available at <http://www.eldiario.ec/centro/noticias-santodomingo-ecuador/316010-periodista-estadounidense-se-une-a-la-campana-la-mano-sucia-de-chevron/>, and a certified translation thereof. The article shows journalist Eva Golinger participating in the “dirty hand of Chevron” campaign and quotes her referring to contamination as “the hand of death.”

53. Attached to this declaration as **Exhibit 51** is a true and correct copy of an article dated October 10, 2017, titled “Roger Waters lends star power to Ecuadorians’ \$9.5B Chevron fight,” available at <https://www.thestar.com/business/2017/10/10/roger-waters-lends-star-power-to-ecuadorians-95b-chevron-fight.html>.

54. Attached to this declaration as **Exhibit 52** is a true and correct copy of an Amazon Watch press release dated May 31, 2017, titled “Chevron’s CEO Clings To ‘Alternative Facts’ When Confronted With Truth About Ecuador Mismanagement,” available at <https://amazonwatch.org/news/2017/0531-chevron-ceo-clings-to-alternative-facts-when-confronted-with-truth-about-ecuador-mismanagement>.

55. Attached to this declaration as **Exhibit 53 (filed under seal pursuant to Dkt. 723)** is a true and correct copy of a [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

56. Attached to this declaration as **Exhibit 54 (filed under seal pursuant to Dkt. 723)** is a true and correct copy of a [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

57. Attached to this declaration as **Exhibit 55** is a true and correct copy of a press release titled “Chevron and Gibson Dunn Face Potential Criminal Probe Over \$2m Witness Bribery Plot in Ecuador Pollution Case,” published on November 9, 2017, available at http://www.csrwire.com/press_releases/40553-Chevron-and-Gibson-Dunn-Face-Potential-Criminal-Probe-Over-2m-Witness-Bribery-Plot-in-Ecuador-Pollution-Case.

58. Attached to this declaration as **Exhibit 56 (filed under seal pursuant to Dkt. 723)** is a true and correct copy of a [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

59. Attached to this declaration as **Exhibit 57 (filed under seal pursuant to Dkt. 723)** is a true and correct copy of a document [REDACTED]

[REDACTED]

[REDACTED]

60. Attached to this declaration as **Exhibit 58 (filed under seal pursuant to Dkt. 723)** is a true and correct copy of a document [REDACTED]

[REDACTED]

[REDACTED]

61. Attached to this declaration as **Exhibit 59** is a true and correct copy of a June 6, 2017 email from Steven Donziger to Clifford Eisler and John van Merkenstein, produced by J. van Merkenstein and bearing Bates number JVM 002526. Donziger links to a press release titled “Facing Bribery Charges, Chevron Trying to Mislead U.S. Supreme Court with Fake Facts and Flawed Arguments” and writes, “Chevron starting to feel serious pressure. We can get them to the table if we keep this up and implement the strategy, in my opinion.”

62. Attached to this declaration as **Exhibit 60** is a true and correct copy of an October 16, 2017 email from Steven Donziger to Ian Watson and John van Merkenstein, produced by J. van Merkenstein, bearing Bates numbers JVM 002886–87. Donziger forwards comments from Kathleen Elizabeth Mahoney that “[i]f we could get representation from the oil industry here in Calgary, . . . , that would, . . . , bring significant pressure to bear on Chevron to come to the table . . .”

63. Attached to this declaration as **Exhibit 61** is a true and correct copy of a press release dated September 14, 2018 titled “Global Conference on Indigenous Solutions for Environmental Challenges Set for November in Canada,” retrieved from http://www.csrwire.com/press_releases/41356-Global-Conference-on-Indigenous-Solutions-for-Environmental-Challenges-Set-for-November-in-Canada on September 28, 2018.

64. Attached to this declaration as **Exhibit 62** is a true and correct copy of the program for the November 2018 conference Indigenous Solutions for Environmental Challenges, retrieved from <https://banffconference2018.com/> on September 27, 2018.

65. Attached to this document as **Exhibit 63** is a true and correct copy of the speaker list for the November 2018 conference Indigenous Solutions for Environmental Challenges, retrieved from <https://banffconference2018.com/speakers/> on September 27, 2018.

66. Attached to this declaration as **Exhibit 64 (filed under seal pursuant to Dkt. 723)** is a true and correct copy of a document [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

67. **Exhibits 61, 62 and 63** identify speakers for the conference, including Simon Billeness, Juan Aulestia, Rex Weyler, Phil Fontaine and Aaron Marr Page. [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

68. Attached to this declaration as **Exhibit 65 (filed under seal pursuant to Dkt. 723)** is a [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

69. Attached to this declaration as **Exhibit 66 (filed under seal pursuant to Dkt. 723)** is a true and correct copy of an [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

70. Attached to this declaration as **Exhibit 67** is a true and correct copy of a pleading filed by Steven Donziger in *In re Estate of Leon Donziger*, Case No. 89-1102-CP (Fla. Circuit Court, Duval Cnty), by his attorney, Campbell Ford.

71. Attached to this declaration as **Exhibit 68** is a true and correct copy of a docket from the District of Columbia Court of Appeals Case Number 18-BG-0967 stating that Donziger is “suspended from the practice of law in the District of Columbia” as of September 20, 2018. Attached as **Exhibit 69** is the order of the District of Columbia Court of Appeals imposing the suspension.

72. Attached to this declaration as **Exhibit 70** is a true and correct copy of Chevron’s First Information Subpoena in Aid of the Supplemental Judgment and Restraining Notice to Defendants Steven Donziger, the Law Offices of Steven Donziger and Donziger & Associates, PLLC dated April 16, 2018. This document was served by personal service on April 16, 2018. A true and correct copy of the proof of service is attached as **Exhibit 71**.

73. Attached to this declaration as **Exhibit 72 (filed under seal pursuant to Dkt. 723)** is a true and correct copy of a [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

74. Attached to this declaration as **Exhibit 73 (filed under seal pursuant to Dkt. 723)** is a true and correct copy of a document [REDACTED]

[REDACTED]

[REDACTED]

75. Attached to this declaration as **Exhibit 74 (filed under seal pursuant to Dkt. 723)** is a true and correct copy of a [REDACTED]
[REDACTED]
[REDACTED]

76. Attached to this declaration as **Exhibit 75 (filed under seal pursuant to Dkt. 723)** is a true and correct copy of a [REDACTED]
[REDACTED]
[REDACTED]

77. Attached to this declaration as **Exhibit 76 (filed under seal pursuant to Dkt. 723)** is a true and correct copy of a [REDACTED]
[REDACTED]
[REDACTED]

78. Attached to this declaration as **Exhibit 77** is a true and correct copy of bank records bearing Bates numbers TD BANK 00000133, showing a wire transfer from Lenczner Slaght Royce Smith to Donziger of \$137,490 on February 21, 2017.

79. Attached to this declaration as **Exhibit 78** is a true and correct copy of bank records bearing Bates numbers TD BANK 00000128-30, showing a wire transfer from Donziger to Patricio Salazar of \$3,179 on December 12, 2016.

80. Attached to this declaration as **Exhibit 79 (filed under seal pursuant to Dkt. 723)** is a true and correct copy of [REDACTED]
[REDACTED]
[REDACTED]



81. Attached to this declaration as **Exhibit 80** is a true and correct copy of bank records bearing Bates numbers TD BANK 0000651-52 and showing a wire transfer of \$1,834.51 on May 10, 2018 to Patricio Salazar Cordova.

82. Attached to this declaration as **Exhibit 81** is a true and correct copy of an order of the Ontario Superior Court of Justice dated January 20, 2017 in the action brought by the LAPs against Chevron Corporation, Chevron Canada Limited, and Chevron Canada Finance Limited (“Canadian Enforcement Action”). This order grants motions for summary judgment by Chevron Canada Limited and Chevron Corporation (¶¶ 74-75).

83. Attached to this declaration as **Exhibit 82** is a true and correct copy of an order of the Ontario Superior Court of Justice dated February 10, 2017 in the Canadian Enforcement Action. This order dismisses the LAPs’ claims against Chevron Canada Limited and certain claims against Chevron Corporation and provides that “the issue of costs will be addressed in a separate order.” **Exhibit 82** at 3.

84. Attached to this declaration as **Exhibit 83** is a true and correct copy of an order of the Ontario Superior Court of Justice entered June 2, 2017 in the Canadian Enforcement Action. This order awards costs in the amount of \$533,001.81 to Chevron Canada Limited and \$313,283 to Chevron Corporation.

85. Attached to this declaration as **Exhibit 84** is a true and correct copy of a document titled “Factum of the Respondents on the Motion for Security of Costs,” filed on June 19, 2017 in the Court of Appeal for Ontario in Canada in the Canadian Enforcement Action, in which Alan

Lenczner represents on behalf of the LAPs that “Chevron has known about past third party funding and has impeded any future funding.” ¶ 25.

86. Attached to this declaration as **Exhibit 85** is true and correct copy of a document titled “Further Supplementary Joint Motion Record of Chevron Canada Limited and Chevron Corporation” filed June 23 2017 in the Canadian Enforcement Action. Included at Tab 2 is a letter from Alan Lenczner to Benjamin Zernett of Goodmans LLP (counsel to Chevron Canada Limited) and Larry Lowenstein of Osler, Hoskin & Harcourt (counsel to Chevron Corporation) dated June 22, 2017. Lenczner wrote that his firm’s fee contingency arrangements is reimbursement “at the rate of \$1,000 per docketed hour.”

87. Attached to this declaration as **Exhibit 86** is a true and correct copy of an order of the Court of Appeal for Ontario dated September 21, 2017 in the Canadian Enforcement Action, ordering the LAPs to post security for costs for Chevron Canada Limited in the amount of \$50,000 for the appeal and \$541,335.14 for the proceedings below, and for Chevron Corporation in the amount of \$30,000 for the appeal and \$321,616.33 for the proceedings below.

88. Attached to this declaration as **Exhibit 87** is a true and correct copy of an order of the Court of Appeal for Ontario dated October 31, 2017 in the Canadian Enforcement Action. The court held, “While the question of whether the Ecuadorian plaintiffs have third party litigation funding available to them was left unanswered, there should be no bright line rule that a litigant must establish that such funding is unavailable to successfully resist a motion in an appeal for security for costs. This is especially so in this case, where counsel for the appellants has advised the court he is operating under a contingency arrangement and where there is evidence that Chevron Corporation has sued some of the appellants’ former third party funders, and the funders withdrew their financial support.”

89. Attached to this declaration as **Exhibit 88** is a true and correct copy of a form for the assignment to Chevron of (a) any contingent fee and (b) any interest in any judgment or funds related to or arising out of the enforcement, collection, or settlement of any judgment under the Durable International Power of Attorney and Agreement for the Continuous Investment of Professional Services (also known as “Poder Legal Internacional Duradero y Acuerdo Para Inversión Continua De Los Servicios Profesionales”), dated November 1, 2017, between and among the Amazon Defense Front (also known as “the FDA” and “el Frente de Defensa de la Amazonía”) and Steven R. Donziger, Esq., together with their successors and assigns and all successors to and predecessors of that agreement.

90. Attached to this declaration as **Exhibit 89** is a true and correct copy of an email from Bill Twist to John van Merkensteijn dated August 3, 2016, produced by J. van Merkensteijn and bearing Bates numbers JVM 004911-14. In an August 2, 2016 email at the bottom of the chain, Derek Stoldt of Kaye Scholer writes to John van Merkensteijn regarding escrow and confidentiality arrangements in a draft investor agreement, “All in all, it is a very odd arrangement and gives me some pause . . . There is some part of this that feels like the steps people may take when they are laundering money. It does give me some pause.” JVM 004913.

91. Attached to this declaration as **Exhibit 90 (filed under seal pursuant to Dkt. 723)** is a true and correct copy of a document [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

92. Attached to this declaration as **Exhibit 91** is a true and correct copy of an email from Michael Ben Jacob (Kaye Scholer LLP), counsel to John van Merkensteijn, to Alan Lenczner,

copying John van Merkensteijn and Steven Donziger, produced by J. van Merkensteijn and bearing Bates number JVM 002498. Ben-Jacob writes, “This confirms that Steven is authorized to give instructions to you regarding the allocation and disbursement of funds to counsel to pay legal fees.”

93. Attached to this declaration as **Exhibit 92** is a true and correct copy of an email chain between Steven Donziger, John van Merkensteijn, and Bill Twist, dated August 4, 2016, produced by J. van Merkensteijn and Bates stamped JVM 004865. Donziger writes, quoting his “partner Aaron Page,” that internal LAP work product copied in the Ecuadorian judgment were “advocacy documents that were designed to get before the court.”

Executed on this 1st day of October, 2018 at New York, New York.

/s/ Anne Champion
Anne Champion